

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2013-0049
ROW # 10948161

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

TP-022018-02-16

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 2011 Oakleaf Circle, Austin, TX 78723

LEGAL DESCRIPTION: Subdivision - _____ Delwood 4 East
Section 4

Lot(s) 12 Block H Outlot _____ Division _____

I/We Kyle Martin, Jane Amschwand on behalf of
myself/ourselves as authorized agent for
ourselves

_____ affirm that on 3-15-13,
we,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ X ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

A secondary dwelling on the lot in which Bridget Martin (Mother of Kyle Martin) will reside. Bridget has been diagnosed with Macular Degeneration (the leading cause of blindness in adults over 55). The proposed studio complies with the building and impervious coverage formulas as provided by the City of Austin's Residential Permitting Department.

Minimum Separation
distance
variance

SF-3-NP
in a residential district.
(zoning district) Windsor Park N.P.

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

A secondary dwelling currently does not conform to Austin code which requires the secondary dwelling be 15 feet from the back of the primary dwelling. The lot is not deep enough to build 15 feet back from the primary dwelling. Rather, the lot is atypical and is very wide which does provide sufficient room to erect the dwelling (see drawing).

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HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that: The property is atypical in shape. The lot is narrow at the front and wide at the rear while not providing depth that is typical of lots in the neighborhood. The spirit of the code does not take into account this type of lot shape and size. Furthermore, other properties in the neighborhood are able to build secondary dwellings.

- (b) The hardship is not general to the area in which the property is located because:

Most other lots in the neighborhood are not shaped in the manner of 2011 Oakleaf Circle. Other lots are more typical in shape while 2011 Oakleaf Circle lot shape is due to its position in the neighborhood (end of cul-de-sac).

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Neighboring properties will not be impacted or altered. The secondary dwelling is a single story and access to neighboring properties will not alter or block easements.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:
-
-

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
-
-

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
-
-

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:
-
-

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Kyle Martin Mail Address 2011 Oakleaf Cir
City, State & Zip Austin, TX 78723

Printed Kyle Martin Phone 512-826-6725 Date 3/18/13
Jane Amschwand

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Kyle Martin Mail Address 2011 Oakleaf Cir
City, State & Zip Austin, TX 78723

Printed Kyle Martin Phone 512-826-6725 Date 3/18/13
Jane Amschwand

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- (4)(3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)

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•2103

City of Austin
Fully Developed
100-Year Floodplain

2008

2010

5602

SF-3-NP

5600

566

566'

2011

5508

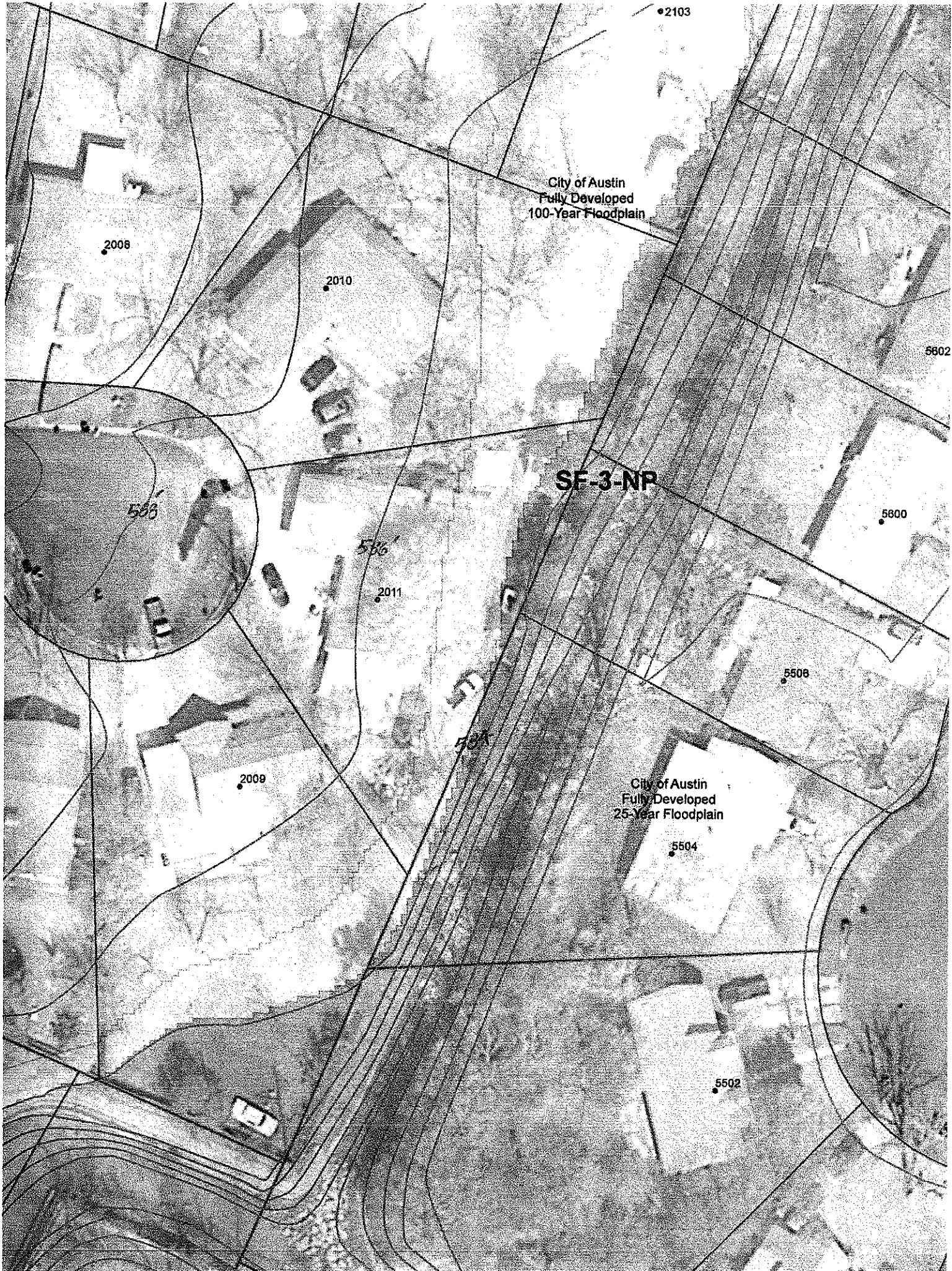
2009

City of Austin
Fully Developed
25-Year Floodplain

5504

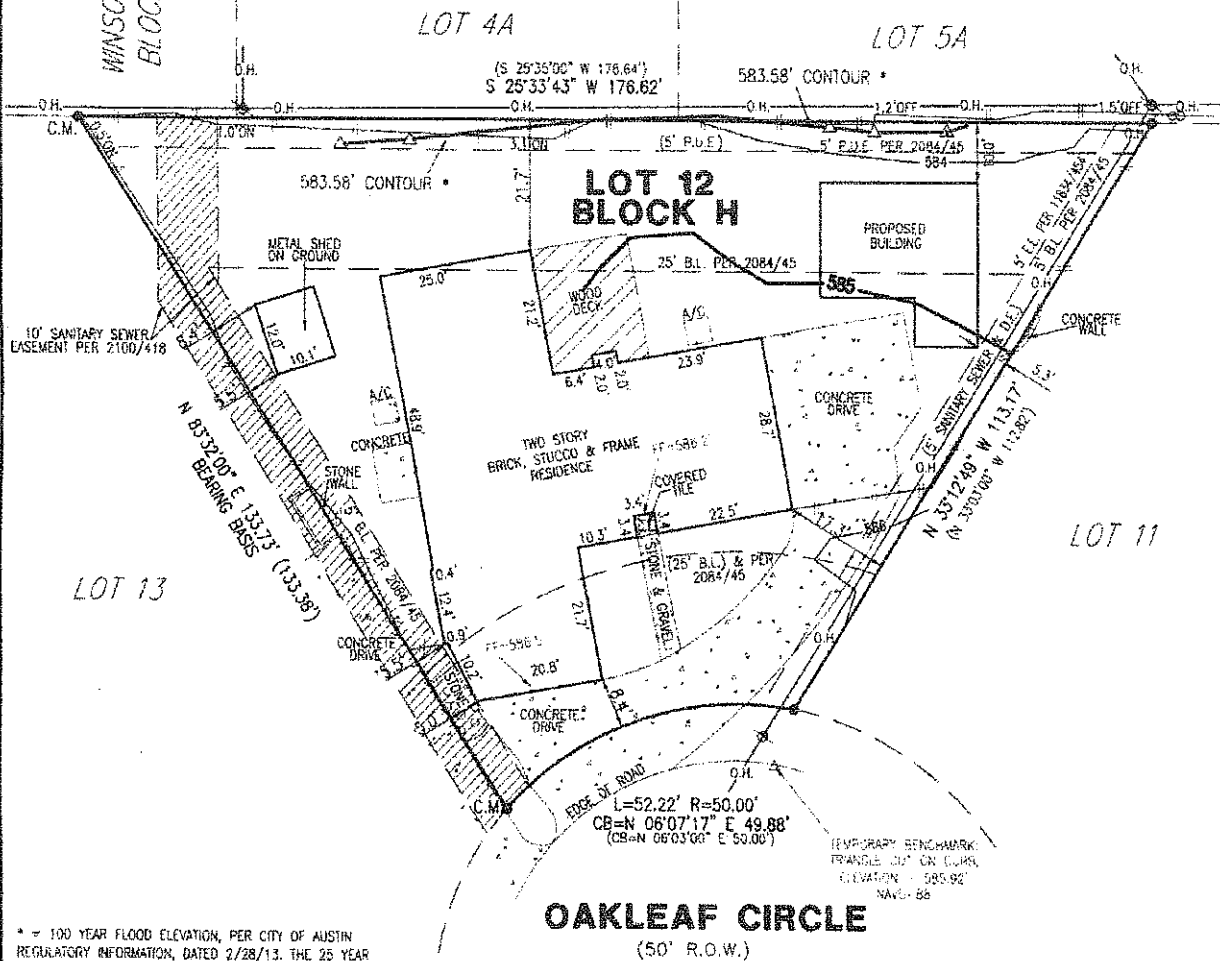
561

5502



LOT 3, BLOCK L
WINSOR PARK III, SECTION 3
BLOCK L, VOL. 9, PG. 148.

RESUBDIVISION OF LOTS 4&5, BLOCK L,
WINSOR PARK III, SECTION 3
VOL. 11, PG. 80.



* = 100 YEAR FLOOD ELEVATION, PER CITY OF AUSTIN
REGULATORY INFORMATION, DATED 2/28/13. THE 25 YEAR
FLOOD ELEVATION PER SAME SOURCE DOES NOT ENCRoACH
THIS LOT.

Notes:

1.) Subject to restrictions and easement
rights as stated in: 2084/45; 2163/50. Deed
Records and Per Plat in Vol. 9, Pgs. 100, of
the Plat Records.

20 0 20 40 60 Feet

LEGEND

- 1/2" IRON PIPE FOUND
- 1/2" REBAR FOUND
- 1/2" FLOOR SET
- 600 NAIL SET
- SPINDLE FOUND
- CAPPED REBAR FOUND
- BARB WIRE FENCE
- CHAIN LINK FENCE
- WOOD FENCE
- METAL FENCE
- BUILDING LINE
- PUBLIC UTILITY EASEMENT
- ORANGE EASEMENT
- SURFACE DRAINAGE EASEMENT
- WATER/ELECTRIC
- ELECTRIC EASEMENT
- PAVED FLOOR
- 600 METER
- WATER METER
- ELECTRIC METER
- FIRE HYDRANT
- PER PLAT
- POWER POLE
- OVERHEAD UTILITIES
- CONTROL MONUMENT
- RIGHT OF WAY

SUBDIVISION DELWOOD 4 EAST, SECTION 4
LOT: 12 BLOCK: H VOLUME 9 PAGE 100 PLAT RECORDS
COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 2011 OAKLEAF CIRCLE
CITY: AUSTIN REFERENCE NAME MARC CHOMEL



B&G Surveying, Inc.

Dewey H. Burris & Associates

Surveyed by: B&G Surveying, Inc.

1404 West North Loop Blvd.
Austin, Texas 78756
Office 512-458-6866
Fax 512-458-9845

ADDED CONTOURS: J-13-13

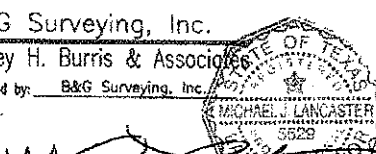
JOB # 80302113.TA

DATE 11-23-10

TITLE CO. GRACY

D.F. # 1014116

SCALE 1" = 20'



TO THE LANDHOLDER AND/OR PRESENT OWNER OF THE PROPERTY SURVEYED AND TO
STEWART TITLE GUARANTY COMPANY

I DO HEREBY CERTIFY TO THOSE LISTED HEREON THAT THIS SURVEY WAS THIS DAY MADE
ON THE GROUND UNDER MY SUPERVISION, OF THE PROPERTY LEGALLY DESCRIBED
HEREON, IS PREPARED IN ACCORDANCE TO THE TITLE COMMITMENT REFERENCED HEREON,
AND THAT THERE ARE NO VISIBLE BOUNDARY LINE CONFLICTS, ENCROACHMENTS
OR OVERLAPING OF INSTRUMENTS, OR RECORDS IN PLACE, EXCEPT AS SHOWN HEREON.

THIS AREA IS DEPICTED AS BEING IN A SPECIAL
FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE
RATE MAP 0485 H DATED 8/28/08. IT IS
REPRESENTED AS IN ZONE "AE" HOWEVER AT
PRESENT TIME, NO ELEVATIONS, ORANGE, OR FLOOD
STUDIES HAVE BEEN PERFORMED AND INFORMATION
IS BASED SOLELY UPON SAID MAP. THE SURVEYOR
DOES NOT ASSUME RESPONSIBILITY AS TO ANY
INFORMATION PROVIDED BY SAID MAP AND DOES NOT
IMPLY THAT THE PROPERTY AND/OR THE
STRUCTURES THEREON WILL BE FREE OF FLOOD
DAMAGE FOR FURTHER INFORMATION CONTACT YOUR
FLOOD PLAIN ADMINISTRATOR

FIELD WORK	WILLIAM	11/22/10
CALCULATIONS	JUAN	11/22/10
DRAWING	JOSÉ	11/23/10
CORRECTIONS	JOSÉ	11/23/10
UP DATE	AND	03/13/13